

REMARKS

Claims 1 and 3-10 remain pending in this application. Claim 2 has been canceled without prejudice or disclaimer.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

Specification

The Specification has been amended on page 6, line 23 to make it clear that the sample rack stand-by unit 9 is a buffer. Since the term buffer is used in original claim 6, this amendment to the paragraph on page 6 will not add any new matter to the application.

The Specification has also been amended on page 8, line 18 to refer to the entire management computer 11 having a registry unit for registering each reagent. This also does not add new matter to the application since a register unit for registering a particular reagent is contained in original claim 4.

It is requested that these amendments be approved.

Drawings

On page 2 of the Office Action, the drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims in that allegedly the control separation means, the mechanisms of claim 2, 3, 5, 7 and 8, the buffer, the register unit and the means of claims 9 and 10 are not shown. Reconsideration and withdrawal of this objection is respectfully requested.

The control separation means in claim 1 as shown as the entire management computer 11 in Fig. 1. The operation of the control separation means is described in the specification on page 13, line 5 through page 16, line 24.

The mechanisms of claims 2, 3, 5, 7 and 8 are shown as the entire management computer 11 in Fig. 1.

The buffer is shown as the sample rack stand-by unit 9 in Fig. 1.

The register unit and the means of claims 9 and 10 are also shown as the entire management computer 11 in Fig. 1.

Accordingly, it is not believed that any amendments to the drawings are required.

Claim Rejections Under 35 USC §112

Claims 1-5 and 7-10 stand rejected under 35 USC §112, second paragraph, as being indefinite for the reasons set forth in numbered paragraph 3 on page 3.

Claims 1-10 stand rejected under 35 USC §112, first paragraph, as based on a disclosure which is not enabling for the reasons set forth in numbered paragraph 4 on pages 3 and 4 of the application. Reconsideration and withdrawal of these rejections are requested for the reasons set forth hereafter.

As explained above, the mechanisms of claims 2, 3, 5, 7 and 8 and the means of claims 9 and 10 are shown by the entire management computer 11. Moreover, the specification has been amended as explained above to include the terms "buffer" and "register unit" which are part of the original disclosures since they are set forth in original claims 4 and 6, respectively.

Claim Rejections Under 35 USC §102

Claims 1-10 stand rejected under 35 USC §102(e) as being anticipated by Mimura et al. (U.S. Patent No. 6,733,728).

For the reasons set forth hereafter, it is submitted that the claims, as now amended, are patentable.

Patentability of the Claims

Claim 1 has been amended to include the limitations of claim 2 and claim 2 has been canceled.

As now defined in amended claim 1, the Applicant's invention is an automatic analyzing system which analyzes samples by using a plurality of analyzing apparatuses which are disposed along a carry line. The system includes a reagent shortage detection unit for detecting that one of the reagents of the analyzing apparatuses is short and control separation means for controlling, so as to separate from the control of the automatic analyzing system, the analyzing apparatus in which the one reagent is short when said reagent shortage detection unit detects a shortage of one of particular reagents being registered so as to stop an analysis of the analyzing apparatus on which the particular reagents are installed, in advance.

As described on page 2, line 18 to page 3, line 5 of the specification, reagents are classified into two kinds in connection with the present invention. In a first group of reagents, an analyzing apparatus is stopped when a reagent becomes short and a short reagent is replaced because the reagent is an important reagent. In a second group of reagents, an analyzing apparatus continues an analysis when a reagent of that group is short because the reagent is not an important reagent.

In claim 1, as amended, the first group of reagents are registered in advance. When one of the registered reagents becomes short an analyzing apparatus which

installs the short reagent is separated from the analyzing system and the short reagent is changed.

By contrast, in Mimura et al., when a reagent in one apparatus becomes short, a sample is carried to another analyzing apparatus which has the same reagent. Mimura et al., however, does not disclose stopping the analyzing apparatus in which a certain reagent becomes short and to then change the short reagent as in Applicant's invention.

Accordingly, it is submitted amended claim 1 now patentably distinguishes over the prior art. Dependent claims 3-10 are also patentable for the reasons set forth with respect to claim 1 as well as for the additional subject matter contained therein.

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Amendment dated December 19, 2006
Reply to Office Action of September 19, 2006

KAS-184

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-184).

Respectfully submitted,

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